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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.2573 OF 2005

Mrs. Manorama Ramesh Pokhriyal & Anr.. Petitioners

Vs.

The Union of India & Ors. ... Respondents

Mr. Bharat Vaishnava for the petitioners.

Mr. Y.R. Mishra with Mr. Y.S. Bhate and R.C. Master for the respondents.

CORAM: SMT. RANJANA DESAI &
ABHAY S. OKA, JJ.

DATED: 18TH NOVEMBER 2005.

P.C.:-

1. Petitioner 2 is a retired Indian Navy Sailor. It appears that he was allotted premises admeasuring admeasuring 360 sq. ft. approximately, situated at Mosko Line, Opp. Ration Shop, Dandi Area, Near R.C. Church, Colaba, Mumbai - 400 005. The petitioners are residing in the said premises. According to the petitioners, they have paid all the necessary dues. The respondents are threatening to evict them. The petitioners apprehend that they may be dispossessed.

Hence, this petition.

2. We have heard the learned counsel for the petitioners and the respondents. The learned counsel for the respondents has drawn our attention to the agreement for leave and licence dated 31/12/2004. By reason of the

said leave and licence agreement, the petitioners are residing in the said premises. The term of the said leave and licence agreement expires on 31/12/2005. The learned counsel for the respondents states that the petitioners will not be dispossessed till the expiry of the said leave and licence agreement i.e. till 31/12/2005 if they abide by all the terms and conditions of the said agreement. We accept this statement. There is no merit in the petition. Petition is dismissed.

3. The learned counsel for the petitioners states that the petitioners have paid all the dues as per the leave and licence agreement. The learned counsel for the respondents, however, states that the petitioners have not paid the compensation for last 10 months and whatever they have paid are the electricity and water charges.

(SMT. RANJANA DESAI, J.)

(ABHAY S. OKA, J.)